Iraq: Politics, Elections, and Benchmarks

Kenneth Katzman
Specialist in Middle Eastern Affairs

March 25, 2009

CRS Report for Congress ———
Prepared for Members and Committees of Congress

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE	2. REPORT TYPE	3. DATES COVERED
25 MAR 2009		**00-00-2009 to 00-00-2009**

4. TITLE AND SUBTITLE	5a. CONTRACT NUMBER
Iraq: Politics, Elections, and Benchmarks	5b. GRANT NUMBER
	5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER
	5e. TASK NUMBER
	5f. WORK UNIT NUMBER

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)	8. PERFORMING ORGANIZATION REPORT NUMBER
Congressinal Research Service,The Library of Congress,101 Independence Ave SE,Washington,DC,20540-7500	

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release; distribution unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**	**Same as Report (SAR)**	**17**	

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std Z39-18

Summary

Iraq's political system, the result of a U.S.-supported election process, is increasingly characterized by peaceful competition rather than violence, but sectarianism and ethnic and factional infighting continue to simmer. As 2009 began, there was renewed maneuvering by opponents of Prime Minister Nuri al-Maliki who view him as authoritarian and were perceived as conspiring to try to replace him, had his party fared poorly in the January 31, 2009 provincial elections. However, the elections have strengthened Maliki and other Iraqis who believe that power should remain centralized in Baghdad, and Maliki is attracting new allies and is well positioned to compete in the December 2009 parliamentary elections that will select the next four-year government. Campaigning for the provincial elections, held in all provinces except Kirkuk and the Kurdish-controlled provinces, was relatively peaceful and enthusiastic and there was a more diverse array of party slates than those that characterized the January 2005 provincial elections.

Internal dissension within Iraq aside, the Bush Administration was optimistic that the passage of key laws in 2008, coupled with the provincial elections, would sustain recent reductions in violence. President Obama praised the orderliness and relative absence of violence of the elections—an outcome that appears to have reaffirmed the Obama Administration's belief that a reduction of the U.S. troop presence in Iraq can proceed without inordinate risk to Iraqi stability. The elections appear to also have reduced U.S. concerns about Iran's influence in Iraq, in part because pro-Iranian parties—particularly those that maintain militias armed by Iran—fared poorly in the elections. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

Contents

Tables

Contacts

Overview of the Political Transition

After the fall of Saddam Hussein's regime in April 2003, the United States set up an occupation structure, reportedly based on concerns that immediate sovereignty would favor major factions and not produce democracy. In May 2003, President Bush, reportedly seeking strong leadership in Iraq, named Ambassador L. Paul Bremer to head a "Coalition Provisional Authority" (CPA), which was recognized by the United Nations as an occupation authority. Bremer discontinued a tentative political transition process and instead appointed (July 13, 2003) a non-sovereign Iraqi advisory body: the 25-member "Iraq Governing Council" (IGC). After about one year of occupation, the United States handed sovereignty to an appointed Iraqi interim government on June 28, 2004. It was headed by a Prime Minister, Iyad al-Allawi, leader of the Iraq National Accord, a secular, non-sectarian faction. Allawi himself is a Shiite but many INA leaders were Sunnis, and some of them were formerly members of the Baath Party. The president of this interim government was Ghazi al-Yawar, a Sunni tribal figure who spent many years in Saudi Arabia. A series of elections in 2005 produced the full term government that is in power today.

January 2005 National Assembly and Provincial Elections

In line with a March 8, 2004, "Transitional Administrative Law" (TAL, interim constitution), the first post-Saddam election was held on January 30, 2005, for a 275-seat transitional National Assembly (which formed an executive), four-year term provincial councils in all 18 provinces and a Kurdistan regional assembly (111 seats). The election system was proportional representation/closed list: voters chose among "political entities" (a party, a coalition of parties, or persons); 111 entities were on the national ballot, of which nine were multi-party coalitions. Sunni Arabs (20% of the overall population) boycotted, winning only 17 Assembly seats, and only one seat on the 51 seat Baghdad provincial council. That council was dominated (28 seats) by representatives of the Islamic Supreme Council of Iraq (ISCI), led by Abd al-Aziz al-Hakim. Radical Shiite cleric Moqtada Al Sadr, then at odds with U.S. forces, also boycotted, leaving his faction relatively under-represented on provincial councils in the Shiite south and in Baghdad. The resulting transitional government placed Shiites and Kurds in the most senior positions—Patriotic Union of Kurdistan (PUK) leader Jalal Talabani was President and Da'wa (Shiite party) leader Ibrahim al-Jafari was Prime Minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense.

Permanent Constitution

The elected Assembly was to draft a constitution by August 15, 2005, to be put to a referendum by October 15, 2005, subject to veto by a two-thirds majority of voters in any three provinces. On May 10, 2005, a 55-member drafting committee was appointed, but with only two Sunni Arabs (15 Sunnis were later added as full members and 10 as advisors). In August 2005, the talks produced a draft, providing for: a December 31, 2007, deadline to hold a referendum on whether Kirkuk (Tamim province) will join the Kurdish region (Article 140); designation of Islam "a main source" of legislation;[1] a 25% electoral goal for women (Article 47); families choosing which courts to use for family issues (Article 41); making only primary education mandatory (Article 34); and having Islamic law experts and civil law judges on the federal supreme court (Article

---

[1] http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html.

89). Many women opposed the two latter provisions as giving too much discretion to male family members. It made all orders of the U.S.-led occupation authority (Coalition Provisional Authority, CPA) applicable until amended (Article 126), and established a "Federation Council" (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).

The major disputes—still unresolved—centered on regional versus centralized power. The draft permitted two or more provinces together to form new autonomous "regions"—reaffirmed in passage of an October 2006 law on formation of regions. Article 117 allows "regions" to organize internal security forces, legitimizing the fielding the Kurds' *peshmerga* militia (allowed by the TAL). Article 109 requires the central government to distribute oil and gas revenues from "current fields" in proportion to population, and gave regions a role in allocating revenues from new energy discoveries. Disputes over these concepts continue to hold up passage of national hydrocarbons legislation—Sunnis dominated areas of Iraq have few proven oil or gas deposits, and favor centralized control of oil revenues. The Kurds want to maintain maximum control of their own burgeoning oil sector.

With contentious provisions unresolved, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, prompting a U.S.-mediated agreement (October 11, 2005) providing for a panel to propose amendments within four months after a post-December 15 election government took office (Article 137), to be voted on within another two months (under the same rules as the October 15 referendum.) The Sunni provinces of Anbar and Salahuddin had a 97% and 82% "no" vote, respectively, but the constitution was adopted because Nineveh province only voted 55% "no," missing the threshold for a "no" vote by a two-thirds majority in three provinces.

December 15, 2005 Elections

In the December 15, 2005 elections for a four-year national government (in line with the schedule laid out in the TAL), each province contributed a predetermined number of seats to a "Council of Representatives" (COR)— a formula adopted to attract Sunni participation. Of the 275-seat body, 230 seats were allocated this way, with 45 "compensatory" seats for entities that would have won additional seats had the constituency been the whole nation. There were 361 political "entities," including 19 multi-party coalitions, competing. As shown in the table, voters chose lists representing their sects and regions, and the Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the Shiite bloc "United Iraqi Alliance" to replace Jafari with another Da'wa figure, Nuri Kamal al-Maliki, as Prime Minister.

On April 22, the COR approved Talabani to continue as president. His two deputies are Adel Abd al-Mahdi (incumbent) of the Islamic Supreme Council of Iraq (ISCI) and Tariq al-Hashimi, leader of the Sunni-based Accord Front ("Tawafuq"—within which Hashimi leads the Iraqi Islamic Party). Another Accord figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), became COR speaker. Maliki won a COR vote for a 37-member cabinet (including himself and two deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 2006, due to infighting. Of the 37 posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

Benchmarks, Reconciliation, and Provincial and Future Elections

The 2005 elections were considered successful by the Bush Administration but—possibly because they took place in the context of ongoing insurgency and sectarian conflict—the elections did not resolve the Sunni Arab grievances over their diminished positions in the post-Saddam power structure. In August 2006, the Administration and Iraq agreed on a series of "benchmarks" that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), "progress" on eighteen political and security benchmarks — as assessed in Administration reports due by July 15, 2007 and then September 15, 2007 — were required for the United States to provide $1.5 billion in Economic Support Funds (ESF) to Iraq. The President used the waiver provision. The law also mandated an assessment by the GAO, by September 1, 2007, of the degree to which the benchmarks have been met, as well as an outside assessment of the Iraqi security forces (ISF).

As 2008 progressed, citing the achievement of almost all of the major legislative benchmarks—and the dramatic drop in sectarian-motivate violence attributed to the U.S. "troop surge"—the Bush Administration asserted that political reconciliation was well under way. However, U.S. officials continue to maintain that the extent and durability of reconciliation will largely depend on the degree of implementation of the adopted laws and on further compromises on inter-communal differences and disputes, as well as on continued attenuated levels of inter-communal violence. Iraq's performance on the "benchmarks" is in the table below.

The Strengthening of the Iraqi Government During 2008

The passage of key legislation in 2008 and the continued calming of the security situation enhanced Maliki's political position. This represented a reversal from 2007, when Maliki appeared weakened substantially by the pullout of the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi from the cabinet, leaving it with 13 vacant seats out of a 37 seat cabinet. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs ultimately pacified the city, weakened Sadr politically, and caused some Sunnis and Kurds to see Maliki as more even-handed and non-sectarian than previously thought. This contributed to a decision by the Accord Front to return to the cabinet in July 2008. Other cabinet vacancies were filled subsequently, mostly by independents.

Maliki's growing strength caused concern even among Maliki's erstwhile political allies. The Kurds, who had been a key source of support for him, have been at odds with his leadership because of his formation of government-run "tribal support councils" in northern Iraq, which the Kurds see as an effort to prevent them from gaining control of disputed territories that they want to integrate into their Kurdistan Regional Government (KRG). ISCI, the longstanding main ally of Maliki's Da'wa Party, competed with the Da'wa for provincial council seats, as discussed below, and has accused him of surrounding himself with Da'wa veterans to the exclusion of other decision-makers. The competition prompted reports in late 2008 that several major factions were considering attempting to bring about a "no-confidence" vote against Maliki. The late December 2008 resignation, under pressure, of Sunni COR Speaker Mahmoud al-Mashhadani, who was perceived as blocking a no confidence motion, was one outward indicator of the dissension. Several attempts to replace him, including on February 19, 2009, have failed to achieve the 138

vote majority needed to confirm a successor. The COR will again attempt to achieve consensus on a replacement when it returns from spring recess on April 14, 2009.

Throughout 2008, U.S. officials grew concerned that Maliki's increasing independence from the United States could lead to reversals, for example by creating restiveness among the Sunni "Sons of Iraq" fighters who Maliki has refused to fully integrate wholesale into the Iraqi Security Forces. The 100,000 fighters nationwide cooperate with U.S. forces against Al Qaeda in Iraq and other militants. Still, the Iraqi government's assumption of the payments to about half of the Sons by the Iraqi government in November 2008 went relatively without incident, calming U.S. fears to some extent. About 90% of all Sons of Iraq are now paid by Iraq, with the remainder to transition to the Iraqi government payroll by the end of April 2009. On the other hand, some of the Sons are resentful that only 5,000 have been integrated into the ISF, and that the remainder have not yet been given the civilian government jobs they were promised.

Emboldened by his political strength but also attentive to pressure by Iran, Maliki insisted on substantial U.S. concessions in the U.S.-Iraq "status of forces agreement" (SOFA) that passed the COR on November 27, 2008 over Sadrist opposition, and notwithstanding Sunni efforts to obtain assurances of their future security. The pact took effect January 1, 2009, limiting the prerogatives of U.S. troops to operate in Iraq and setting a timetable of December 31, 2011 for a U.S. withdrawal. President Obama, on February 27, 2009, outlined a U.S. troop draw-down plan that comports with the major provisions of the SOFA.

January 31, 2009 Provincial Elections

The Obama Administration, as did the Bush Administration, looked to the January 31, 2009 provincial elections to consolidate the reconciliation process. Under a 2008 law, provincial councils in Iraq choose the governor and provincial governing administrations in each province, making them powerful bodies that provide ample opportunity to distribute patronage and guide provincial politics.

The elections had been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk and other disputed territories into the KRG caused a presidential veto of the July 22, 2008 election law needed to hold these elections. The draft law provided for equal division of power in Kirkuk (between Kurds, Arabs, and Turkomans) until its status is finally resolved, prompting Kurdish opposition to any weakening of their dominance in Kirkuk. Following the summer COR recess, the major political blocs agreed to put aside the Kirkuk dispute and passed a revised provincial election law on September 24, 2008, providing for the elections by January 31, 2009. The revised law stripped out provisions in the vetoed version to allot 13 total reserved seats (spanning six provinces) to minorities. However, in October 2008, the COR adopted a new law restoring six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; one seat for Yazidis in Nineveh; one seat for Shabaks in Nineveh; and one seat for the Sabean sect in Baghdad.

In the elections, in which there was virtually no violence on election day, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province is about 30,[2]

---

[2] Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.

down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The new Baghdad provincial council has 57 seats. This yielded an average of more than 30 candidates per council seat, which some see as enthusiasm for democracy in Iraq. However, the reduction in number of seats also meant that many incumbents would not win re-election.

Voters were able to vote only for a party slate, or for an individual candidate (although they also had to vote for that candidate's slate as well). This procedure encourages voting for slates, and strengthens the ability of political parties to choose who on their slate will occupy seats allotted for that party. This election system was widely assessed to favor larger, well organized parties, because smaller parties might not meet the vote threshold to obtain any seats on the council in their province.[3] This was seen as likely to set back the hopes of some Iraqis that the elections would weaken the Islamist parties, both Sunni and Shiite, that have dominated post-Saddam politics.

About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible to vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election-related violence was minimal, although five candidates and several election/political workers were killed. There were virtually no major violent incidents on election day. The Iraqi Security Forces (ISF) took the lead in defending polling places, with U.S. forces as back-up. Turnout was about 51%, somewhat lower than some expected, and some voters complained of being turned away at polling places because their names were not on file. Other voters had been displaced by sectarian violence in prior years and were unable to vote in their new areas of habitation.

The vote totals were finalized on February 19, 2009. Within fifteen days of that (by March 6, 2009) the provincial council convened under the auspices of the incumbent provincial governor, and to elect a provincial council chairperson and deputy chairperson. Within another 30 days after that (by April 5, 2009), the provincial councils are to elect (by absolute majority) a provincial governor and deputy governors. The term of the provincial councils is four years from the date of first convention.

Outcomes and Implications

Some of the primary outcomes of the elections appear to be evident based on the results for the the two main Shiite parties, whose fates differed dramatically. In the mostly Shiite southern provinces, ISCI (Shahid Mihrab list) and Maliki's Da'wa "State of Law Coalition" offered competing lists. Maliki's post-election political position apparently has been enhanced by the strong showing of his list. Any discussions of a possible vote of no confidence against Maliki are likely derailed, based on the election results, although some Sunni deputies did introduce such a motion in the COR in late February 2009. With 28 out of the 57 total seats, the Maliki slate is in effective control, by itself, of the Baghdad provincial council (displacing ISCI). Da'wa also emerged very strong in most of the Shiite provinces of the south, including Basra. State of Law won an outright majority of 20 out of 35 total seats in Basra, although it reportedly is considering allying with a smaller Shiite party, *Fadhila* (Virtue) in order to share responsibility for governance in the province. Fadhila previously dominated the Basra provincial council and administration, a platform from which it launched a move by file a petition, under the 2006 regions law, to form a new region consisting only of Basra province. This effort did not attract the

---

[3] The threshhold for winning a seat is: the total number of valid votes divided by the number of seats up for election.

needed 10% of provincial residents' signatures to trigger a referendum by the time of the provincial elections. It is likely that Fadhila's relatively poor showing and the broader trend of support for strong central government will derail the Basra region movement for the near future.

In several provinces, including the mixed province of Diyala, Baghdad, the Sunni province of Salahuddin, and the Shiite province of Babil, Maliki's party is likely to ally with erstwhile critics such as the Sunni list of Saleh al-Mutlaq (National Dialogue Front) and former Prime Minister Allawi's party. These alliances, if formed and if they continue into the December 2009 parliamentary elections, will strongly position Maliki to retain his post when a new government is chose in early 2010 by the new parliament. Such alliances could also represent an effort by some Sunni Arabs to try to become Iraq's President in the next government, sensing that the Kurds are now a weakening part of the central government. President Talabani has said in March 2009 that he will not be available to continue as President at that time, in part because of widely publicized health problems that have required occasional treatment outside Iraq.

The apparent big loser in the elections was ISCI, which had been favored because it is well organized and well funded. ISCI favors more power for the provinces and less for the central government; centralization is Maliki's preferred power structure. ISCI did not win in Najaf province, which it previously dominated and which, because of Najaf's revered status in Shiism, is considered a center of political gravity in southern Iraq. It won seven seats there, the same number that was won by the Maliki slate. ISCI won only 3 seats on the Baghdad province council, down from the 28 it held previously, and only five in Basra. Some observers believe that the poor showing for ISCI was a product not only of its call for devolving power out of Baghdad, but also because of its perceived close ties to Iran, which some Iraqis believe is exercising undue influence on Iraqi politics.

Maliki's slate also fended off a challenge from former Prime Minister Ibrahim al-Jafari's slate, who had been leader of the Da'wa Party before being displaced by Maliki. Jafari had been in political eclipse for two years, but his showing was stronger than expected.

The unexpected strength of secular parties such as that of former Prime Minister Iyad al-Allawi, appeared to show that voters favored slates committed to strong central government and "rule of law," as well as to the concept of Iraqi nationalism. This trend was also reflected in the strong showing of a single candidate in Karbala province. The figure, Yusuf al-Habbubi, is well thought of in the province for even-handedness. His boasts of close ties to Saddam's elder son Uday (killed in Operation Iraqi Freedom in 2003) did not hurt him politically, even though most Karbala residents are Shiites repressed by Saddam's government. Still, because al-Habbubi is a single candidate, he only won his own seat on the Karbala provincial council. Even though Habbubi is allied with another slate in the province, called "Hope of Mesopotamia," which won 8 seats there, and Maliki's party is expected to win control of the Karbala provincial government by allying with several other parties there. Habbubi is therefore unlikely to become Karbala governor. On March 15, 2009, Habbubi supporters held a demonstration in Karbala demanding he be named to that post.

Sunni Participation and Integration

U.S. officials had hoped that the elections would bring Sunni Muslims ever further into the political structure. Sunnis boycotted the January 2005 provincial elections and have been poorly represented in some mixed provinces, such as Diyala and Nineveh. It was also hoped that the elections would help incorporate into the political structure the tribal leaders ("Awakening

Councils") who recruited the Sons of Iraq fighters. These Sunni tribalists offered election slates and showed strength at the expense of the established Sunni parties, particularly the Iraqi Islamic Party (IIP). The main "Iraq Awakening" tribal slate came in first in Anbar Province, according to the final results. Preliminary results had showed this slate in second, behind a slate of established, urban parties (but excluding the IIP). When preliminary results were announced, the tribal leaders accused their rivals of manipulating the vote and there were some reports of violence—or threatened violence—in response to the perceived misfeasance. However, the finalized results showing a tribal slate in first place calmed the tensions.

The established, mostly urban Sunni parties, led by the IIP, had been struggling in 2008 as the broader Accord Front (Tawafuq) fragmented. In the provincial elections, one of its component parties—the National Dialogue Council—ran on slates that competed with the IIP in several provinces.

Another expected outcome of the election was that Sunni Arabs have wrested control of the Nineveh provincial council from the Kurds, who won control of that council in the 2005 election because of the broad Sunni Arab boycott of that election. That appears to have occurred, with a Sunni list (al-Hadba'a) winning a clear plurality of the Nineveh vote. That slate is composed of Sunnis who openly oppose Kurdish encroachment in the province and who are committed to the "Arab and Islamic identity" of the province. Nineveh contains numerous territories inhabited by Kurds and which have been a source of growing tension between the Kurdistan Regional Government (KRG) and the central government in Baghdad.

Another mixed province, Diyala, was hotly contested between Shiite and Sunni Arab and Kurdish slates, reflecting the character of the province as another front line between the Kurds and the central government. As noted in the elections results chart below, the provincial version of the Accord Front narrowly beat out the Kurds for first place. Some Shiite slates, including Maliki's list, the list loyal to former Prime Minister Ibrahim al-Jafari, and the pro-Sadr slate, also won significant votes. There continues to be substantial friction between Sunni and Shiite Arabs in that province, in part because Sunni militants drove out many Shiites from the province at the height of the civil conflict during 2005-2007.

Other U.S. officials saw the elections as key opportunity to move Moqtada al-Sadr's faction firmly away from armed conflict against the mainstream Shiite parties. That conflict surged in the March 2008 Basra offensive discussed above. Sadr announced in October 2008 that he would not field a separate list in the provincial elections but support Sadrists on other lists. Sadr's faction, represented mainly in the "Independent Liberals Trend" list, filed candidate slates in several provinces mostly in the south. The slate fared well enough in several southern provinces to be a potential coalition partner, but not well enough to control any provinces outright. The failure of Sadrists to win control of any councils could reflect voter disillusionment with parties that continue to field militias—which many Iraqis blame for much of the violence that has plagued Iraq since the fall of Saddam Hussein.

Elections Going Forward

Some observers maintain that the success of the provincial elections could be determined by subsequent contests. On May 19, 2009, there are to be elections for the Kurdistan National Assembly and the presidency of the KRG., although some observers say this election might be delayed. There is also a planned referendum by June 30, 2009 on the U.S.-Iraq status of forces agreement, although some believe this referendum might not be held at all if there is no popular

agitation to hold it. By July 31, 2009, district and sub-district elections are to take place. Moreover, as noted, Iraq is supposed to hold new national elections in December 2009—upon the expiration of the term of the existing Council of Representatives.

Several other possible elections in Iraq are as yet unscheduled. For example, there are to be provincial elections in the three Kurdish controlled provinces and the disputed province of Kirkuk, subsequent to a settlement of the Kirkuk dispute. Under the election law that set the provincial elections, a parliamentary committee is to make recommendations on resolving this dispute, to be issued by March 31, 2009. The U.N. Assistance Mission—Iraq (UNAMI) also is continuing its mediation efforts on Kirkuk and other disputed territories. Depending on political outcomes, there could be further elections. Among them would be a referendum on whether Basra province could form a new "region;" a referendum on any agreed settlement on Kirkuk; and a vote on amendments to Iraq's 2005 constitution.

Table 1. January 31, 2009 Provincial Election Results (Major Slates)

Baghdad - 55 regular seats, plus one Sabean and one Christian set-aside seat	State of Law (Maliki) – 38% (28 seats); Independent Liberals Trend (pro-Sadr) – 9% (5 seats); Accord Front (Sunni mainstream) – 9% (9 seats); Iraq National (Allawi) – 8.6%; Shahid Mihrab and Independent Forces (ISCI) – 5.4% (3 seats) ; National Reform list (of former P.M. Ibrahim al-Jafari) – 4.3% (3 seats)
Basra – 34 regular seats, plus one Christian seat	State of Law – 37% (20); ISCI – 11.6% (5); Sadr – 5% (2); Fadhila (previously dominant in Basra) – 3.2% (0); Allawi – 3.2% (0); Jafari list – 2.5% (0)
Nineveh – 34 regular seats, plus one set aside for each of: Shabaks, Yazidis, and Christians	Hadbaa – 48.4%; Fraternal Nineveh – 25.5%; IIP – 6.7%;
Najaf – 28 seats	State of Law – 16.2% (7); ISCI – 14.8% (7); Sadr – 12.2% (6); Jafari – 7% (2); Allawi – 1.8% (0); Fadhila – 1.6% (0)
Babil – 30 seats	State of Law – 12.5% (8); ISCI- 8.2% (5); Sadr – 6.2% (3); Jafari – 4.4% (3); Allawi – 3.4%; Accord Front – 2.3% (3); Fadhila – 1.3%
Diyala – 29 seats	Accord Front list – 21.1%; Kurdistan Alliance – 17.2%; Allawi – 9.5%; State of Law – 6 %
Muthanna – 26 seats	State of Law – 10.9% (5); ISCI – 9.3% (5); Jafari – 6.3% (3); Sadr – 5.5% (2); Fadhila – 3.7%
Anbar – 29 seats	Iraq Awakening (Sahawa – Sunni tribals) – 18%; National Iraqi Project Gathering (established Sunni parties, excluding IIP) – 17.6%;; Allawi – 6.6%; Tribes of Iraq – 4.5%;.
Maysan – 27 seats	State of Law – 17.7% (8); ISCI – 14.6% (8); Sadr – 7; Jafari – 8.7% (4); Fadhila – 3.2%; Allawi – 2.3%
Dhi Qar – 31 seats	State of Law – 23.1% (13); pro-Sadr – 14.1% (7); ISCI – 11.1% (5); Jafari – 7.6% (4); Fadhila – 6.1%; Allawi – 2.8%
Karbala – 27 seats	List of Maj. Gen. Yusuf al-Habbubi (Saddam era local official) – 13.3% (1 seat); State of Law – 8.5% (9); Sadr – 6.8% (4); ISCI – 6.4% (4); Jafari – 2.5% ; Fadhila – 2.5%
Salah Ad Din – 28 seats	IIP-led list – 14.5%; Allawi - 13.9%; Sunni list without IIP – 8.7%; State of Law – 3.5%; ISCI – 2.9%
Qadissiyah – 28 seats	State of Law – 23.1% (11); ISCI – 11.7% (5); Jafari – 8.2% (3); Allawi – 8%; Sadr – 6.7% (2); Fadhila – 4.1%
Wasit – 28 seats	State of Law – 15.3% (13); ISCI – 10% (6); Sadr – 6% (3); Allawi – 4.6%; Fadhila – 2.7%

Source: UNAMI translation of results issued February 2, 2009 by the Independent Higher Election Commission of Iraq; Vissar, Reidar. The Provincial Elections: The Seat Allocation Is Official and the Coalition-Forming Process Begins. February 19, 2009.

Table 2. Election Results (January and December 2005)

Bloc/Party	Seats (Jan. 05)	Seats (Dec. 05)
United Iraqi Alliance (UIA, Shiite Islamist). Now 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance - KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

Notes: Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/ December: 75% (12 million).

Table 3. Assessments of the Benchmarks

Benchmark	July 12, 2007 Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments - May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
1. Forming Constitutional Review Committee (CRC) and completing review	(S) satisfactory	unmet	S	CRC continues debating 50 amendments regarding federal vs. regional powers and presidential powers; Kurds want Kirkuk issue settled before finalizing amendments. Sunnis want presidential council to have enhanced powers relative to prime minister. Some progress on technical, judicial issues. Deadlines for final recommendations repeatedly extended.
2. Enacting and implementing laws on De-Baathification	(U) unsatisfact.	unmet	S	"Justice and Accountability Law" passed Jan. 12, 2008. Allows about 30,000 fourth ranking Baathists to regain their jobs, and 3,500 Baathists in top three party ranks would receive pensions. But, could allow for judicial prosecution of all ex-Baathists and to firing of about 7,000 ex-Baathists in post-Saddam security services, and bars ex-Saddam security personnel from regaining jobs. Some reports suggest some De-Baathification officials using the new law to purge political enemies or settle scores.
3. Enacting and implementing oil laws that ensure equitable distribution of resources	U	unmet	U	Framework and three implementing laws stalled over KRG-central government disputes; only framework law has reached COR to date. Revenue being distributed equitably, and 2008 budget adopted February 13, 2008 maintains 17% revenue for KRG. Some reports in December 2008 suggested KRG-Baghdad compromise is close on framework and revenue sharing implementing law.
4. Enacting and implementing laws to form semi-autonomous regions	S	partly met	S	Regions law passed October 2006, with relatively low threshold (petition by 33% of provincial council members) to start process to form new regions, but main blocs agreed that law would take effect April 2008. November 2008: petition by 2% of Basra residents submitted to IHEC (another way to start forming a region) to convert Basra province into a single province "region. Signatures of 8% more were required by mid-January 2009 to trigger referendum; threshhold was not achieved.

Benchmark	July 12, 2007 Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments - May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
5. Enacting and implementing: (a) a law to establish a higher electoral commission, (b) provincial elections law; (c) a law to specify authorities of provincial bodies, and (d) set a date for provincial elections	S on (a) and U on the others	overall unmet; (a) met	S on (a) and (c)	Draft law stipulating powers of provincial governments adopted February 13, 2008, took effect April 2008. Required implementing election law adopted September 24, 2008: (1) Provides for provincial elections by January 31, 2009; (2) postpones elections in Kirkuk and the three KRG provinces; (3) shunts broader issue of status of Kirkuk and disputed territories to a parliamentary committee to report by March 31, 2009; (4) provides open list/proportional representation voting, which allows voting for individual candidates; (5) stipulates 25% quota for women (although vaguely worded); (6) bans religious symbols on ballots.
6. Enacting and implementing legislation addressing amnesty for former insurgents	no rating	unmet	Same as July	Law to amnesty "non-terrorists" among 25,000 Iraq-held detainees passed February 13, 2008. Of 17,000 approved for release (mostly Sunnis and Sadrist Shiites), only a few hundred released to date. 19,000 detainees held by U.S. not affected, but are being transferred to Iraqi control under SOFA which took effect January 1, 2009.
7. Enacting and implementing laws on militia disarmament	no rating	unmet	Same as July	Basra operation, discussed above, viewed by Bush Administration as move against militias. On April 9, 2008, Maliki demanded all militias disband as condition for their parties to participate in provincial elections. Law on militia demobilization stalled.
8. Establishing political, media, economic, and services committee to support U.S. "surge"	S	met	met	No change. "Executive Steering Committee" works with U.S.-led forces.
9. Providing three trained and ready brigades to support U.S. surge	S	partly met	S	No change. Eight brigades assigned to assist the surge. Surge now ended.
10. Providing Iraqi commanders with authorities to make decisions, without political intervention, to pursue all extremists, including Sunni insurgents and Shiite militias	U	unmet	S to pursue extremists U on political interference	No significant change. Still some U.S. concern over the Office of the Commander in Chief (part of Maliki's office) control over appointments to the ISF - favoring Shiites. Still, some politically-motivated leaders remain in ISF. But, National Police said to include more Sunnis in command jobs and rank and file than one year ago.
11. Ensuring Iraqi Security Forces (ISF) providing even-handed enforcement of law	U	unmet	S on military, U on police	Bush Administration interpreted Basra operation as effort by Maliki to enforce law even-handedly.
12. Ensuring that the surge plan in Baghdad will not provide a safe haven for any outlaw, no matter the sect	S	partly met	S	No change. Ethno-sectarian violence has fallen sharply in Baghdad.
13. (a) Reducing sectarian violence and (b)	Mixed. S	unmet	same as July 12	Sectarian violence continues to drop; Shiite militias weaker. 100,000 Sunni

Benchmark	July 12, 2007 Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments - May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
eliminating militia control of local security	on (a); U on (b)			"Sons of Iraq," still distrusted as potential Sunni militiamen. Iraq government assumes payment of all Sons as of April 2009, but commits to integrating only 20% of them into the ISF. The remainder are promised government jobs.
14. Establishing Baghdad joint security stations	S	met	S	Over 50 joint security stations operating at the height of U.S. troop surge.
15. Increasing ISF units capable of operating independently	U	unmet	U	Continuing but slow progress training ISF. U.S. officials say ISF likely unable to secure Iraq internally until 2009-2012; and against external threats not for several years thereafter. Basra operation initially exposed factionalism and poor leadership in ISF, but also ability to rapidly deploy.
16. Ensuring protection of minority parties in COR	S	met	S	No change. Rights of minority parties protected by Article 37 of constitution.
17. Allocating and spending $10 billion in 2007 capital budget for reconstruction.	S	partly met	S	About 63% of the $10 billion 2007 allocation for capital projects was spent.
18. Ensuring that Iraqi authorities not making false accusations against ISF members	U	unmet	U	Some governmental recriminations against some ISF officers still observed.

Source: Compiled by CRS

Author Contact Information

Kenneth Katzman
Specialist in Middle Eastern Affairs
kkatzman@crs.loc.gov, 7-7612